IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.90 OF 2006
IN
WRIT PETITION NO.431 OF 2004

Dr.Mahesh S. Karale. .. .. Petitioner
v/s.
The Chief Executive officer & anr. .. Respondents

Mr.S.A.Sawant with H.V.Kode for petitioner.
Ms.Aruna Savla for respondents.

CORAM : H.L. GOKHALE &
S.R. DONGAONKAR, JJ.

DATED : 13th March 2006

P.C. :

1. Heard Mr.Sawant in support of this Motion. Ms.Savla appears for the respondents. This Motion is taken out in Writ Petition No.431 of 2004 which has been disposed of by the order passed by the earlier Division Bench on 5th April 2004 (Coram : A.P.Shah & A.S.Oka, JJ.). It remained to be stated in that order that the Petition was disposed of and, therefore, that was clarified by the order passed on 3rd March 2006 by a Division Bench (Coram : H.L.Gokhale & A.S.Oka, JJ.) since Oka, J. was a member to the earlier order.

2. This Motion makes a prayer that the petitioner should be considered for an appointment to the post of Trained Vaidya. The case of the

petitioner is that though he is appointed under the respondents as a Pharmacist, the work of a Vaidya is being taken from him. Now if he is to be appointed to any such post, it can only be considered by recruiting or by promotion.

3. Mr.Sawant, learned Counsel appearing for the petitioner, states that an advertisement has been given. If that is so, the procedure for the advertisement will be followed. As far as the promotion is concerned, unless there is a regular channel, the Court cannot direct that the petitioner should be promoted or absorbed as a Vaidya.

4. The other alternative prayer of the petitioner is for the benefits for the period of three months when he was incharge from October 2002 onwards. That relief has already been granted to him by the order passed by the Division Bench on 5th April 2004. Mr.Sawant states that the payment for the work done as incharge has not been made in spite of that order. Ms.Savla, learned Counsel appearing for the Municipal Corporation disputes that statement. She however states that in case what is stated is correct, the difference will be paid within four weeks

hereafter.

5. Motion disposed of with the above order.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)